

## **REMARKS**

Claims 1-2 and 4-25 are now pending in the application. Claim 3 has been cancelled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## **DRAWINGS**

The drawings stand objected to for certain informalities. Applicant(s) have attached revised drawings for the Examiner's approval. In the "Replacement Sheet(s)", Figure 6 has been amended to clearly indicate the reference numeral 66 and add reference numeral 68. In addition, Figure 12 has been amended to indicate the bore 110 and clearly indicate the indication of reference numeral 94.

## **SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification accordingly. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, and 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gallannaugh et al. (Great Britain Patent No. GB 2 129 306). Claims 1-2 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Moulin (French Patent No. FR 2 734 709) This rejection is respectfully traversed.

Gallannaugh et al. does not include each of the elements of independent Claim 1 and 13. Independent Claim 1 recites "said bearing member includes a third bearing surface operable to articulate with said tibial bearing surface." In addition, independent

Claim 13 recites "said bearing member is able to translate in at least three of an anterior direction, a posterior direction, a medial direction, a lateral direction, and a rotational direction". Gallannaugh et al., however, as illustrated in Figure 2 and described on page 2, lines 15-18, has a bearing pad 10 that is held within a tray 11 having sidewalls 12. Therefore, the bearing member in Gallannaugh et al. is not be able to move nor does it include a surface that articulates with a tibial component. Therefore, Gallannaugh et al. does not anticipate independent Claims 1 and 13 or any of the claims dependent either directly or indirectly from independent Claims 1 or 13.

In addition to independent Claim 1 and independent Claim 13, independent Claim 23 recites " a method of replacing the articulating knee portion of the femur and a tibia ... the linkage and the bearing member operable to allow the femoral prosthetic component to translate in the posterior direction and rotate during flexion of the joint." Moulin does not teach providing a mechanism that will allow more than a single directional movement of a component. As illustrated in Figure 29 and 30 of Moulin, the sled 3 can only move in a single direction on the track formed by the slide component 5. Therefore, only a single direction and absolutely no rotation is allowed as the femoral component wants to do during movement, particularly, flexion of the knee after implantation of the implant.

Therefore, each of the independent Claims 1, 13, and 23 are not anticipated by the cited art, including Gallannaugh et al. and Moulin. Moreover, Applicant submits that there is no indication in the art to combine Gallannaugh et al. and Moulin. Among other reasons, Gallannaugh et al. teaches only providing a bearing component that fits on a tray 11 and held in a selected position by walls 12. Although Applicant does not have

an English translation, Moulin appears to teach a contrary design and provides an entirely different function. The sled 3 of Moulin appears to be able to move in a selected movement. Therefore, there is no teaching to combine Gallannaugh et al. with Moulin.

Therefore, Applicant submits that each of the presently pending claims are in condition for allowance and request the Examiner to pass the present application to allowance.

**ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 24 and 25 would be allowable if rewritten in independent form. Accordingly, Applicant has non-narrowingly amended claims 24 and 25 to include the limitations of the base claim and any intervening claims. Therefore, claims 24 and 25 should now be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: Richard W. Warner  
Richard W. Warner  
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

RWW/MLT/lkj